

COUNTY OF YORK

MEMORANDUM

DATE: February 6, 2003 (BOS Mtg. 2/18/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-614-03, Columbian Council 7469

ISSUE

Application No. UP-614-03 is a request to amend a previously approved Special Use Permit (UP-515-97), granted June 18, 1997 for a Knights of Columbus meeting hall. The subject property is located at 8729 George Washington Memorial Highway (Route 17) and is further identified as Assessor's Parcel No. 24A-1-5. Requested revisions include an extension of the time period to comply with conditions of approval. The 0.79-acre parcel is located on the west side of George Washington Memorial Highway, approximately 500 feet north of its intersection with York-Warwick Drive.

DESCRIPTION

? Property Owner: Columbian Council 7469, Inc.

? Location: 8729 George Washington Memorial Highway (Route 17)

? Area: 0.79 acre

? Frontage: 100 feet on Route 17

? Utilities: Public sewer and water

? Topography: Flat

? 2015 Land Use Map Designation: Limited Business

? Zoning Classification: LB-Limited Business
Tourist Corridor Management Overlay

? Existing Development: Knights of Columbus meeting hall and church

Surrounding Development:

North:	Beachcomber Restaurant & Yorktown Motor Lodge
South:	Vacant lot
East:	Route 17, vacant lot beyond
West:	Single-family residential (Edgehill subdivision)

CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting to amend the conditions of approval associated with Use Permit UP-517-97, granted on June 18, 1997 for a meeting hall for the Columbian Council 7469, Knights of Columbus. The property is zoned LB (Limited Business) and is designated for Limited Business in the Comprehensive Plan. The Zoning Ordinance requires a use permit in the LB zoning district for meeting halls used for recreational and social uses or private clubs operated by social, fraternal and civic organizations. This property is currently the subject of a zoning violation notice, issued for failure to comply with conditions of the noted special use permit, and this application has been submitted in response to the notice.
2. Condition #3 of the approved use permit requires the installation of landscaping and paving of the existing gravel parking lot to be completed in phases within a five-year period, or no later than June 2002. To date, neither paving nor landscaping has been installed. The applicant is requesting a time delay of two years to install the required paving and landscaping that is indicated on the site plan submitted by the applicant after the use permit was approved, and approved by the County on March 3, 1998. Currently, the property is listed for sale, and the applicant is seeking a delay in installing the required paving and landscaping until the property is actually sold.
3. Condition #4 of the use permit postponed the requirement for a commercial entrance meeting VDOT standards as long as the Route 17 widening project remained in the Commonwealth Transportation Board's six-year improvement program (under the theory that the entrance could be installed in conjunction with the project). The widening project for this portion of Route 17 was dropped from the program in 2002 at the request of the Board of Supervisors and a new project was established on the southern segment (Wolftrap Road to Route 134). Accordingly, compliance with the noted condition of approval now requires construction of a commercial entrance. The applicant was notified of this obligation late last year. The applicant is requesting a time delay of two years to construct the entrance concurrently with the above noted parking lot paving and landscaping.

4. At the time of the 1997 application, adequate parking and access were noted as concerns. Twenty-five spaces were estimated as needed for the facility for patrons and employees. At the time of site plan approval, 12 spaces were delineated on the plan in front of the building, with additional employee parking in the rear.

Access to the rear of the building is via an 11-foot wide driveway that can accommodate only one-way traffic. For this reason, Condition #6 of the approved use permit limits the rear parking to employees only “unless and until the applicant is granted an easement from the adjacent property owner.” Such an easement would enable the driveway to be widened. The applicant has indicated coordination with the abutting property owner to obtain the easement will not be possible. Therefore, expanded patron parking beyond the front of the building on the applicant’s property is not a possibility.

The applicant has indicated that the parking layout as indicated on the approved site plan is not sufficient to meet needs for functions held in the hall. Currently, the hall is rented for church services on Sundays (generating parking needs for up to 20 vehicles) and is used for various meeting functions for up to 100 attendees. Parking for functions with large numbers of attendees necessitates double and triple rows of parking in the front of the building. The applicant is requesting that the current parking conditions be allowed to continue until after the property is sold.

5. Landscaping in conformance with Zoning Ordinance standards was required as a condition of approval with the original use permit. This would include requirements of the Tourist Corridor Management overlay district. Additionally, the parcel is located within an area designated for exceptional landscape treatment in the Route 17 Corridor Management Plan. Landscaping to comply with these standards was delineated on the site plan submitted by the applicant and approved by the County. However, to date, landscaping has not been installed in accordance with SUP conditions and the approved site plan. The Zoning and Code Enforcement Division has been most lenient with the applicant in not forcing compliance with the 20% per year implementation requirement since much of it would be impacted by the parking lot and entrance construction. Unfortunately for the applicant, the leniency means that all the landscaping is now required in a single planting.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on January 8, 2003 and, subsequent to conducting a public hearing at which one person spoke other than the applicant, voted 5:0 (Simasek absent) to recommend approval. This recommendation was subject to proposed conditions that included a time limit of six months to comply with

the above-noted incomplete site improvements, required pursuant to conditions of the original special use permit. The Commission added a further condition allowing an extension of the six-month term for compliance contingent upon a finding by the Zoning Administrator that the applicant has demonstrated due diligence in completing the improvements. The possibility of negotiating joint access between the applicant's parcel and the property adjacent to the north side of the parcel (Beachcomber Restaurant) was specifically noted in the condition.

COUNTY ADMINISTRATOR'S RECOMMENDATION

The original use permit allowed for a five-year phased time period within which to complete required parking and landscaping improvements. As noted, construction of the improvements has never been started. The applicant has indicated that relief from providing landscape areas in the front of the building is warranted because of the need for additional parking spaces to accommodate functions held at the facility. Additionally, lack of funds has been cited as the reason for the failure to complete entrance improvements and parking lot paving. The applicant indicated that a further reason for relief from the noted requirements is that the property is currently listed for sale.

The subject parcel is located along a major gateway into the historic Yorktown area. As stated in the Comprehensive Plan, "This segment of Route 17, which is predominately undeveloped, serves as a gateway into the historic area. Commercial activities should be encouraged to pay extra attention (emphasis added) to landscaping and site aesthetics, especially in recognition of the relative proximity of this area to Yorktown." Because of the former condition of the property (when known as Dawson's Restaurant) and because the applicant was a non-profit organization and not a commercial activity, the Commission and the Board were lenient in giving the property owner additional time to make the necessary improvements. That time has elapsed with no visible evidence that any progress has been made. I feel that the phased five-year time period granted in the original use permit was more than sufficient to have completed required improvements, and that additional extensions will not necessarily ensure completion of those improvements. Landscaping and parking, as required, represent minimum Zoning Ordinance requirements for any use (by right or with a use permit) on this property, and a complete waiver from these requirements cannot be granted via SUP approval conditions (such an action would be considered a "variance" and can only be granted by the Board of Zoning Appeals). The deferrals of the parking and landscape improvements authorized by the 1997 special use permit were intended to provide an incremental compliance schedule for the property, but not a total waiver. I believe that adequate time has been provided.

Nevertheless, the applicant indicates that there is interest in pursuing a joint driveway arrangement with the property to the north, which could be mutually beneficial and would be supportive of County and VDOT goals to consolidate entrances along Route 17. Since the installation of a joint entrance would affect the ultimate parking layout on the applicant's site, I believe that the Planning Commission's proposal to allow at least six months for that to be pursued is worthy of consideration. Likewise, I believe that extenuating circumstances could necessitate even more time as the Commission envisioned with its proposed condition No. 8 allowing the Zoning Administrator to grant an extension beyond six months. However, I believe that this extra time, if administratively granted, should be limited to six months (for a total of one year) and proposed Resolution No R03-19 reflects this recommendation in italics in Condition No. 8. Finally, should the Board decide to grant additional time, I support the Commission's proposal that work commence on the landscaping to the rear of the site that would not be impacted by the parking lot and/or entrance construction. Accordingly, and somewhat reluctantly, I recommend that the Board accept and approve the Planning Commission's recommendation (as slightly modified) for a time extension.

Carter/3337

Attachments

- ? Excerpts from Planning Commission minutes, January 8, 2003
- ? Zoning map
- ? Vicinity map
- ? Applicant's justification statement
- ? Approved site plan
- ? Excerpt from approved Board of Supervisors minutes, June 18, 1997
- ? Resolution No. R03-19